

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
November 19, 2007

The Yadkin County Board of Commissioners met in Regular Session on Monday, November 19, 2007 at 7:00pm, in the Yadkin County Human Services Building (Commissioners Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chair Kim Clark Phillips
Vice Chair Tommy Garner
Commissioner Brady Wooten
Commissioner Chad Wagoner
Commissioner Joel Cornelius

Staff present: County Manager, Eric Williams and Clerk to the Board, Gina Brown. County Attorney James Graham arrived at 7:30pm.

CALL TO ORDER by Chair Phillips at 7:04pm

INVOCATION by Commissioner Cornelius

PLEDGE OF ALLEGIANCE led by Lindsey Williams, 8th grader at Forbush Elementary School. In addition to serving as the Student Council President, Miss Williams plays basketball, softball, and volleyball for Forbush. She was accompanied tonight by her sister, Lauren; her mother, Lisa; and her school Principal, Mr. Douglas Sheek.

Miss Williams reported on just a few of the Forbush Elementary School activities:

- (1) The 8th grade class just returned from a trip to the Outer Banks.
- (2) The 7th grade class just recently returned from a trip to Washington, DC.
- (3) The Forbush PTF recently held their annual Fall Festival to raise money for various projects for the school, including playground equipment for students in the lower grades.
- (4) Forbush Elementary held a fund-raising event for 2 students with Juvenile Diabetes. The \$820.00 raised will go toward juvenile diabetes research.
- (5) Forbush Elementary is participating in the Friends Feeding Friends campaign with a goal of 5000 pounds.
- (6) The Forbush Out-of-School-Time is participating in a Stuff a Stocking program to provide for children less fortunate.

Chair Phillips thanked Miss Williams for leading the Pledge of Allegiance and for participating in the meeting.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Manager Williams had the following additions/adjustments to the agenda:

- (1) XII – Board Action: A RESOLUTION regarding the drought will be presented
- (2) XIII – Manager Reports: Report by Communications Director, David Matthews, on status of road leading to the County Communication Tower
- (3) XIII – Proposal from S&ME for additional subsurface soil testing at proposed jail site

Commissioner Wagoner had the following adjustment to the agenda:

- (1) XVI – Requested a Closed Session for consulting with County Attorney

Commissioner Wagoner made a motion to accept the agenda with noted additions.

Vice Chair Garner second.

Vote: 5/0

PUBLIC COMMENTS

There were no speakers for Public Comment at today's meeting. Public Comment section of the agenda was closed at 7:13pm.

APPROVAL OF MINUTES

Commissioner Wagoner requested the following adjustment to the November 5, 2007 Minutes:

Page 19: Add 'Grade 66' to the motion for salary increase for Clerk Brown

Vice Chair Garner requested the following adjustment to the November 5, 2007 Minutes:

Page 11, last paragraph: Should be 'Old Stage Road'

Chair Phillips requested the following adjustments to the November 5, 2007 Minutes:

Page 9, 1st paragraph: information concerning the 'tier' levels is unclear. Manager Williams agreed to assist Clerk Brown with that data

Page 10, 1st paragraph: reword as follows: "...locating of grants is a time-consuming part of the process..."

Chair Phillips requested the following adjustment to the November 5, 2007 Closed Session Minutes:

Remove the stated motion as the motion was not made in Closed Session.

Commissioner Wagoner made a motion to accept the November 5, 2007 Regular Meeting Minutes and the November 5, 2007 Closed Session Minutes with the noted adjustments. Vice Chair Garner second.

Vote: 5/0

PUBLIC HEARING

- (1) Planning & Development Director, Kim Bates, presented an addition to the Manufactured Housing Ordinance. Director Bates presented the Staff Report and the findings of the Planning Board. The Planning Board is recommending the adoption of 3 options for refuse collection. These changes are reflected in Article V-Section 1, Article VII-Section 6, and Article IX-Section 9.

The floor was open for Public Hearing.

Mrs. Walker, owner of Hanes Mobile Home Park on Highway 601, appeared before the Board to speak in opposition of the Manufactured Housing Ordinance additions. Mrs. Walker explained that her mobile home park is not in the city limits. She is opposed to having a dumpster in her park as dumpsters draw pests and rodents and cause an odor for the residents. Mrs. Walker added that she and her residents pay the \$60.00 Household Waste Fee and doesn't feel that she should be required to keep a dumpster as well. Director Bates re-addressed the 3 options in the Ordinance and explained to Mrs. Walker that she does not have to use a dumpster if she and her residents are using the Solid Waste Permit system. Mrs. Walker was satisfied with this conclusion.

There were no additional speakers on this issue. Public Hearing closed at 7:25pm.

Commissioner Wooten made a motion to adopt the recommended Manufactured Housing Ordinance. Commissioner Cornelius second.

Vote: 5/0

[The approved Manufactured Housing Ordinance is attached as Addendum A]

- (2) Planning & Development Director, Kim Bates, presented a rezoning request for Vestal, Johnson, Tuttle, and Nance for property located in West Central Yadkin County. A Staff Report and Planning Board recommendation were provided.

The floor was open for Public Hearing. There were no speakers for this action at today's meeting. The Public Hearing closed at 7:27pm.

Commissioner Wooten made a motion to approve the rezoning request of Vestal, Johnson, Tuttle, and Nance, along with the Statement of Consistency. Commissioner Cornelius second.

Vote: 5/0

[The Statement of Consistency is attached as Addendum B]

- (3) Planning & Development Director, Kim Bates, presented a zoning text amendment for Article 10: WIRELESS COMMUNICATION TOWERS. The amendment reflects an updated fee schedule as mandated by Ratified Senate Bill 831 and setback requirements as a public safety measure. Director Bates reported that the Planning Staff defers to the Planning Board's decision to support this text amendment.

The floor was open for Public Hearing. There were no speakers on this proposed action. The Public Hearing closed at 7:35pm.

Commissioner Cornelius made a motion to approve the zoning text amendment for Article 10: WIRELESS COMMUNICATION TOWERS, along with the Statement of Consistency. Commissioner Wooten second.

Vote: 5/0

[The Statement of Consistency is attached as Addendum C]

- (4) Planning and Development Director, Kim Bates requested the Board set a Public Hearing for the following zoning requests:

48+/- acres on Bryant Road from RR to RA

9.45 acres located on Rock House Mountain Road from RA to RG

Commissioner Wooten made a motion to set a Public Hearing for the Bryant Road rezoning and a Public Hearing for the Rock House Mountain Road rezoning for December 17, 2007 at 7:00pm. Commissioner Wagoner second.

Vote: 5/0

Chair Phillips acknowledged Bobby Todd and members of a scouting troop that were witnessing tonight's meeting. Mr. Todd reported that a member of Scout Troop 655 was working toward his merit badge in Citizenship for Eagle Scout status. Will Wooten introduced himself. Mr. Todd continued that Will Wooten is a current Life Scout working toward Eagle Scout and must observe a public meeting in order to earn the Citizenship Badge. Chair Phillips thanked the group for visiting and offered congratulations to Will Wooten, as did Commissioner Wagoner.

BOARD APPOINTMENTS

There were no requests for Board appointments at today's meeting.

BOARD REPORTS/REQUESTS

Chair Phillips reported on a work session that took place prior to the regular meeting from 5:00-7:00pm concerning utilities. Arcadis Engineers and representatives from Boonville were present. Arcadis Engineer, Randy Darden provided a map of current projects and the most current utility plan that had been designed in February 2004. Mr. Darden presented the options for future utility work. The Board reviewed and discussed Boonville water concerns, a possible Davie County interconnect, expansion and revision of the Jonesville water plant, and options for the Yadkinville water plant. Much progress has been made, but there are still decisions to make for future utility goals. Chair Phillips added that it had been a very productive meeting and the Board should be proud of the work completed to date.

BOARD ACTION

(1) Fire Marshal, Eddie Weatherman provided an update on the drought situation. Fire Marshal Weatherman reported that the recent rain did help but is not near enough. The NC Drought Monitor of November 13 reports that Yadkin County is under a 'severe' drought and projects that the drought will persist through February 2008. The National Weather Service provided rainfall amounts that would be needed to lessen and eliminate the drought as follows:

14-18" in a 3-month period to lessen the severity

20-24" in a 3-month period to end the drought

25-30" in a 6-month period to lessen the severity

30-36" in a 6-month period to end the drought

Fire Marshal Weatherman added that a dry winter is projected.

Manager Williams presented and reviewed a **RESOLUTION: Highlighting the Drought in Yadkin County and Encouraging Voluntary Water Conservation and Compliance with the Local Burning Ban.**

Vice Chair Garner made a motion to adopt the RESOLUTION: Highlighting the Drought in Yadkin County and Encouraging Voluntary Water Conservation and Compliance with the Local Burning Ban. Commissioner Cornelius second.

Vote: 5/0

[The RESOLUTION: Highlighting the Drought in Yadkin County and Encouraging Voluntary Water Conservation and Compliance with the Local Burning Ban is attached as Addendum D]

Commissioner Wagoner asked Emergency Management Director, Dale Trivette, if he had had any inquiries from the municipalities about speaking on drought issues. EM Director Trivette reported that he had not received any inquiries but is more than willing to make a presentation. EM Director Trivette also remarked that the PowerPoint is continuously updated as new information is available.

(2) A budget amendment for a Law Enforcement Separation Allowance was reviewed. This item had been previously discussed at the November 5, 2007 meeting of the Board.

Commissioner Wooten made a motion to approve the Budget Amendment for the Law Enforcement Separation Allowance. Commissioner Cornelius second.

Vote: 5/0

(3) The Board reviewed a budget amendment for EMS to adjust for grant funds received.

Commissioner Cornelius made a motion to approve the Budget Amendment for EMS. Commissioner Wooten second.

Vote: 5/0

(4) The Board reviewed a budget amendment for the eCivis contract that had been approved at the November 5, 2007 meeting of the Board.

[eCivis Contract is added as Addendum E]

Commissioner Cornelius made a motion to approve the Budget Amendment for eCivis. Commissioner Wagoner second.
Vote: 5/0

(5) The Board reviewed a budget amendment for additional expenditures relating to the Audit by the Daniel Professional Group. Some discussion followed. Manager Williams offered that the audit was delayed due to the Management's Discussion and Analysis (MDA) by the County Manager. The MDA was much more complicated than anticipated but should be provided to the auditors this week. Chair Phillips had been in contact with Jim Stockard, Financial Manager for Davie County, to confirm the additional fees. Chair Phillips learned that the additional fees are reasonable for work performed after the original deadline and that the current MDA requirements are difficult. Commissioner Wooten commented that the audit group should certainly be paid for work performed but did not feel that the taxpayer should be responsible for paying. Commissioner Wooten felt that the delay was a deficiency on the part of the county and not the taxpayers' responsibility. Commissioner Wooten stated that this MDA should have been completed in a timely manner.

Commissioner Cornelius made a motion to approve the Budget Amendment for Additional Audit Fees by the Daniel Professional Group. Commissioner Wagoner second. Commissioner Cornelius encouraged Manager Williams to use all staff at his availability to complete the required MDA. With proper instruction from the audit staff, Manager Williams and subordinates in the Finance Office should be able to complete a suitable MDA. Commissioner Wooten read a direct quote from an email received from Audit Director, Edna Shore: "The MDA I received from Eric yesterday afternoon, attached, is in no way suitable for inclusion in the County's financial statements."
Vote: 5/0

[Budget Amendments are added as Addendums F-I]

(6) Manager Williams presented a summary of events to date regarding an available Modular Unit at Hoots Hospital. Public Health Director, Mike Reavis had expressed an interest in the unit to establish a dental clinic. Board members had requested an equal opportunity for proposals from all county departments. Manager Williams emailed all county departments and agencies regarding proposals to be presented at today's meeting. Public Health Director, Mike Reavis, provided the only proposal along with a letter from YVEDDI supporting the need for a dental clinic.

Commissioner Wooten made a motion to allow the Modular Unit at Hoots Hospital to be used as a Dental Clinic under the management of Public Health. Vice Chair Garner second. Commissioner Cornelius questioned the staffing and funding of the proposed clinic. Commissioner Wooten commented that this was discussed at the Board of Health meeting but he could not comment for certain. Chair Phillips added that the primary funding would be Medicaid dollars and that the clinic should be self-sustaining with Medicaid funds. Commissioner Cornelius commented that this clinic has the potential to be a very positive step forward for Yadkin County providing unmet dental needs. Young people of this community experience lower self-confidence because of the condition of their teeth preventing them from applying themselves in school and work. It is an issue that continues to effect rural communities.
Vote: 5/0

MANAGER REPORTS/COMMENTS

County Manager, Eric Williams, presented the following for discussion:

(1) Manager Williams asked Communications Director, David Matthews to discuss the needed roadwork leading up to the Communication Tower. Director Matthews reported that the road is in desperate need of repair. County staff has to walk the majority of the road leading to the tower because it is impassable in a vehicle. The county had originally agreed to help keep the road maintained when the Communication Tower was constructed. Grading and gravel are needed at a cost to the county of up to \$1200. Property owners along the road agree to pay the remaining costs. Director Matthews reported that the tower is visited twice per month for routine check and other times for repairs and emergencies. Director Matthews recommended this repair at the estimated cost.

Commissioner Wooten made a motion to approve 20% of the cost of road maintenance to the Communication Tower not to exceed \$1200. Vice Chair Garner second. Commissioner Cornelius remarked that he would like to see an estimate or quote. Commissioner Wooten will request that one of the property owners provide a written estimate on proposed work. The Board agreed that the county will pay their approved portion to the contractor and the contractor would bill the other property owners as necessary.

Vote: 5/0

(2) No bid award on middle schools has been made. The architect was authorized to negotiate with the bidders and a meeting is planned for the following day to review those negotiating efforts. Bids were requested separately for each school. Six or seven bids per school were received and each was comparable. However, the total cost for both schools exceeds the projected \$24 million. Manager Williams is working with the County's financial advisor to develop debt models to see how various bid prices will fit the financing scheme. One course of action may be to reject the current bids and offer the contractors the opportunity to bid both schools individually or separate. Dr. Benfield is to discuss this with the Chairman of the Board of Education but it certainly appears this is the appropriate course of action. As there were a number of contractors that did bid separately on both schools, it is likely that there will be at least 3 bidders per project. The county had used a hands-off approach in the original bid, but perhaps should offer more influence in the next bidding process. There was some discussion that new bids may be even higher than the original. Chair Phillips offered that it is likely the costs would be lower if both schools were bid by the same contractor with cost savings on materials and eliminating a need for 2 project managers. Following the above discussion, it was the consensus of the Board of Commissioners that the School Board should reject the current bids and re-bid both projects.

(3) The Courtney-Huntsville Waterline Extension project is moving ahead of schedule. A pre-bid meeting was held on November 14, 2007 and approximately 30 easement letters were mailed on November 16, 2007. The easement due date is December 12, 2007. One easement has already been received. The bid opening is December 6, 2007 and the bid award should be ready for discussion at the December 17, 2007 meeting of the Board.

(4) Manager Williams presented a contract just received from S&ME for additional sub-surface soil testing for the Hoots/Butler Road Jail site. Additional borings are required for a cost of \$7,400. No additional budgetary items are necessary as there is a line item in the existing project ordinance to cover this sort of testing leaving a balance of approximately \$4000 in that line item.

Vice Chair Garner made a motion to approve the contract for S&ME for additional sub-surface soil borings. Commissioner Cornelius second. Commissioner Wagoner pointed out that the drawings indicate that only 3 to 4 feet of dirt will be added to or subtracted from the footprint of the building. Because the site is generally flat, the County will experience quite a savings on land preparation for the jail.

Vote: 5/0

[The S&ME Contract is added as Addendum J]

CALENDAR NOTES

Manager Williams reported the following:

The HR Committee will meet on the following day, November 20, 2007 at 6:30pm in the Commissioners' Meeting Room.

County Offices are closed on Thursday, November 22 and Friday, November 23 for Thanksgiving Holidays.

The Jail Committee will meet on Thursday, November 29, 2007 at 4:00pm in the Commissioners' Meeting Room.

Chair Phillips drew attention to the information concerning a meeting in Raleigh addressing the county's role in transportation funding.

Chair Phillips called for a recess at 8:40pm. The meeting resumed at 8:52pm.

COMMISSIONER COMMENTS

Vice Chair Garner had no additional comments at this time.

Commissioner Wooten had the following items for review and discussion:

(1) The Mountain Crest Community of Jonesville finally received grant approval for a water and wastewater system.

(2) Commissioner Wooten inquired of Attorney Graham if there was any additional assistance needed on outstanding easements. Attorney Graham reported that no additional assistance is needed at this time.

(3) Commissioner Wooten asked when the revolving loan process for the Jonesville waterline would be completed. Chair Phillips offered that the revolving loan would begin after final completion and notice of total cost. Manager Williams estimated that the work would be complete on that waterline within 60 days.

(4) Commissioner Wooten reported the following from a recent PART meeting...

- a) Stokes County recently held a public hearing regarding the 5% tax on rental vehicles. Stokes County adopted a resolution similar to that of Yadkin supporting this tax levy.
- b) PART is now using a 56-passenger bus for the Boone route.
- c) PART will be adding another route to the Mt. Airy/Pilot Mountain area as soon as a lot can be secured.
- d) Representatives from the DOT were present to discuss the TIP Program 2008-2015. Projects have been postponed for 2 years with the exception of projects in the Fayetteville area. No explanations were given for this exception.

(5) Commissioner Wooten referenced news articles that he had seen over the last week. One article by the Associated Press was in reference to Aramark Food Services in the county jail of Pueblo, Colorado. The article reflected that Aramark services had been discontinued when staff had been caught with narcotics. An audit of Aramark services in a Tennessee county revealed that Aramark employees were not screened according to policies and Aramark was not requiring I9s on some of their employees. One article reflected that Aramark was often delinquent in the payment of invoices. An additional news article, also from Tennessee, stated that a chief executive officer had vetoed the use of Aramark services because of certain stipulations in the contract.

(6) Commissioner Wooten had other comments relating to the proposed jail. Commissioner Wooten stated that the Hoots/Butler Road site would lower property values and would be less safe for children. Commissioner Wooten commented that prisoners may post bond at any time of day and would be within short walk to neighborhood homes. Commissioner Wooten has been told that the sheriff's office will often release inmates at midnight on the last day of their sentence as a money-saving effort.

(7) Commissioner Wooten commented that operating costs of a new jail should be considered prior to final approval.

(8) Commissioner Wooten expressed concerns for the proposed 'supersize' kitchen including cost to build, maintain, and staff this kitchen. Commissioner Wooten is not aware of a food service contract being awarded. Commissioner Wooten added that a complete amortization of costs is needed for the proposed kitchen and the additional transportation costs associated with the new jail.

Commissioner Wagoner reported that he attended the opening of the new ABC Store in Yadkinville and purchased "Gentleman Jack". Commissioner Wagoner was glad to see the turnout and was especially glad that Yadkin County citizens would no longer have to spend their money out of county for 'spirits'.

Commissioner Wooten had an additional comment. Commissioner Wooten had discussed the Reverse 911 System with Communications Director, David Matthews and IT Director, Chris Shugart. Yadkin County is about 6-8 months away from having the technology to use this system.

Commissioner Cornelius had the following comments:

- (1) Prior discussions of renovating the existing jail at a cost of \$279,000 did not address the housing of prisoners while renovations were being completed. This cost was estimated at \$432,000 with no additional beds.
- (2) There had been discussions concerning a modular jail at a cost of \$3 million but Commissioner Cornelius feels sure that the County does not want to construct another fenced in area to house prisoners.
- (3) Commissioner Cornelius stated there had been multiple comments about 'no planning'. A consultant was hired. A board was established to secure an architect. The Board of Commissioners looked at a total of 13 properties with a minimum of 10 acres each because the long range plan is to include a sheriff's office, jail, EMS, and possibly an agricultural building. There has been quite a bit of planning. No one can know for certain the impact of a facility in a new area. Mr. Cornelius had observed, at the intersection of Highway 16 and Highway 64 in Taylorsville, a strip mall, several fast food restaurants, a Wal-mart, a Ford dealership, a boat dealership, and in the center of it all, a chain-link fenced detention center. The detention center apparently did not deter development in that area. The Hoots/Butler Road site may be ideal for development sometime in the future but there has been no serious offer. Even with the availability of water and sewer at the intersection of Highway 421 and Unifi Industrial Road, there has been no heavy development there either.
- (4) Commissioner Cornelius commented that Commissioner Wagoner, Vice Chair Garner, and himself all stated at a candidate's forum last year that raising taxes would not be their preferred method of revenue, but would vote to raise taxes if necessary. Further, Commissioner Cornelius remarked that the previous Board of Wooten, Sneed, and Casstevens had voted in June 2005 to increase taxes by 15.6% and yet hid behind the upcoming revaluation. Regardless of whether you call it a general tax increase or revaluation, a tax increase means that taxes have been raised.
- (5) Commissioner Cornelius had questions concerning the water hookups. Commissioner Cornelius had received numerous inquiries about water availability. Commissioner Cornelius suggested that the hookup rate be discussed and established as quickly as possible. After meeting with Jonesville engineers and representatives, Chair Phillips offered that this information may be available by the next Board meeting.
- (6) Lastly, Commissioner Cornelius remarked that, to his knowledge, no one has been harmed by a prisoner being released from the current jail or released on bond.

Commissioner Wagoner added that the existing jail is close to a school. Commissioner Wooten remarked that the current jail is adjacent to the sheriff's office and across from the Yadkinville Police Department if there were any problems. The proposed site offers no close back-up in the event of concerns.

Chair Phillips had the following for review and discussion:

- (1) Chair Phillips made remarks regarding the Public Hearing for the proposed Davie Hospital versus Medical Park Hospital in Clemmons. Commissioner Wagoner attended in the morning and Chair Phillips attended in the afternoon and spoke on behalf of Yadkin County. Though a strange venue for this type of public hearing, Cornerstone Baptist Church in Advance, North Carolina was filled with advocates for both sides of the issue. Chair Phillips felt that Baptist Hospital did a better job of expressing their justification for the Davie Hospital. Commissioner Wagoner stated that Baptist appeared to have the needs of the rural area of Davie at the center of their concern. Chair Phillips added that Novant Health had operated the Davie Hospital at one point but failed financially. Baptist Hospital took control of the Davie facility but the facility is still inadequate to meet current needs. Manager Williams noted that water negotiations between Davie and Forsyth County could possibly be effected by this issue.
- (2) Chair Phillips had received a letter from the Golden Leaf Foundation announcing the position of President. The current president is retiring. The Golden Leaf Foundation is important to Yadkin County as it provides tobacco money to rural counties for development.
- (3) Chair Phillips noted that members of the Board had received a letter from Attorney Ed Powell in reference to the noise/shooting issue in the Flint Hill area.
- (4) Chair Phillips responded to Commissioner Wooten's earlier remarks regarding a 'supersize' kitchen for the proposed jail explaining that there will not be a 'supersize' kitchen. The kitchen is designed to serve a jail capacity of 150. Until the jail reaches its inmate capacity, there is an opportunity to use the kitchen to cater meals to other counties, creating a revenue source for the County.

Commissioner Cornelius made a motion to enter a Closed Session for the purpose of consulting with the County Attorney. Commissioner Wooten second.

Vote: 5/0

Commissioner Wooten made a motion to end the Closed Session. Commissioner Cornelius second.

Vote: 5/0

Commissioner Cornelius made a motion to adjourn. Commissioner Wooten second.

Vote: 5/0

Meeting adjourned at 9:35pm.

Prepared and Approved by Clerk to the Board